

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:   
UNITED STATES OF AMERICA, :   
:   
-v- : 19-CR-96 (JSR)   
:   
ERNEST HORGES, :   
:   
Defendant. :   
:   
-----X

ORDER

In light of the increasing rates of COVID-19 infection in New York City and to minimize the potential for exposure of conference participants to other individuals in travel to the courthouse and during the conference, the arraignment and pretrial conference currently scheduled to be held in person on December 3, 2020, is adjourned to the morning of **December 8, 2020, at 9:00 a.m.** The Court has requested videoconferencing facilities. No conference date, time, or modality can be confirmed before the end of the preceding week, so counsel are requested to keep their calendars as open as possible between the hours of **9 a.m. and 2 p.m. on December 8, 2020**, until further notice.

The Court has also requested that defense counsel be given an opportunity to speak with the Defendant by telephone for fifteen minutes before the proceeding begins; defense counsel should make sure to answer the telephone number that was previously provided to Chambers at that time.

In advance of the conference, Chambers will email the parties with further information on how to access the conference.

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the Defendant prior to the proceeding. If the Defendant consents, and is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form **at least 24 hours prior to the proceeding**. In the event the Defendant consents, but counsel is unable to obtain or affix the Defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature to the form.

SO ORDERED.

Dated: New York, New York  
November 24, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge  
For the Hon. Jed S. Rakoff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

ERNEST HORGE,

Defendant.

**WAIVER OF RIGHT TO BE  
PRESENT AT CRIMINAL  
PROCEEDING**

19-CR-96 (JSR)

-----X

**Check Proceeding that Applies**

Arraignment

I have been given a copy of the superseding indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the superseding indictment; to have the superseding indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the superseding indictment.
- 2) I do not need the judge to read the superseding indictment aloud to me.
- 3) I plead not guilty to the charges against me in the superseding indictment.

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Defense Counsel

**Accepted:** \_\_\_\_\_  
\_\_\_\_\_  
Signature of Judge

Date: \_\_\_\_\_